

REMARKS

The Office Action of November 19, 2004 has been received and its contents carefully reviewed. Claims 1 – 10 are currently pending in the application.

Claims 1 and 4 – 10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-14, 16-19, and 20-23 of U.S. Patent No. 6,747,277. The rejection is respectfully traversed.

The examiner states that while "the conflicting claims are not identical, they are not patentably distinct from each other because though identical, they represent the same invention as the noted patent. The mere elimination of one or more claim limitations such as a "blade contact having a planar body" does not obviate the issue of double patenting."

First, claim 1 of the present application corresponds to originally filed claim 11 in the '277 patent. This claim 11 was finally rejected in the application that matured into the '277 patent based upon U.S. Patent No. 5,975,950 to Yamaguchi. As the application was under final rejection and without agreeing to the propriety of the rejection and solely to expedite allowance of claims, claim 11 was amended to include the limitations of original claim 15 (which was noted as allowable in the final rejection) and to more clearly distinguish over the Yamaguchi reference.

Subsequently, the present application was filed, including claim 1, in the hopes of convincing the Patent Office of the distinctions between the original claim 11 (now claim 1) and the Yamaguchi reference. Initially, the Patent Office rejected claim 1 based on Yamaguchi. Apparently, in light of remarks in the reply filed in response to the first Office Action, the examiner has withdrawn the rejection based on Yamaguchi. It now seems inappropriate to state that Applicants are not allowed to the full scope of protection applied for in the original application.

Applicants submit that claim 1 is patentably distinct over claim 11 in the '277 patent and that claim 1 should be entitled to the full scope of protection as set forth in the claim.

Second, claim 8 of the present application corresponds to originally filed claim 41 in the '277 patent. Claim 41 was cancelled in the application which matured into the '277 patent. There is no claim in the '277 patent which corresponds to claim 8 of the present application. As such, the double patenting rejection is inappropriate.

Notwithstanding the foregoing, Applicants are submitting concurrently with this Reply, a Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent. Both the present Application and the '277 patent are owned by Tyco Electronics Corporation. The terminal disclaimer is being submitted solely to expedite allowance of the present application and should not be interpreted as an endorsement of the present rejection or an admission of the propriety of the rejection. Furthermore, as the present application claims priority from the '277 patent any patent that issues from the present application will expire on the same date as the '277 patent and as such, there does not seem to be a need for a terminal disclaimer.

In light of the foregoing, it is respectfully requested that the examiner reconsider and withdraw the rejection and issue a notice of allowance at the earliest possible time.

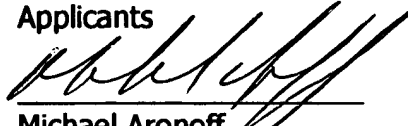
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If the examiner has any questions regarding the presently pending claims which could be easily resolved by a telephone conference, the examiner is respectfully requested to contact the Applicants' representative at the below listed number.

Respectfully submitted,

M. Laub et al.
Applicants

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